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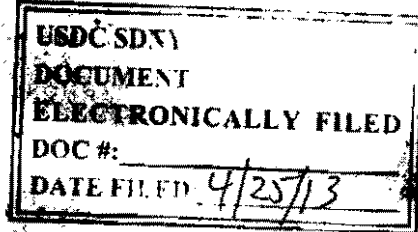
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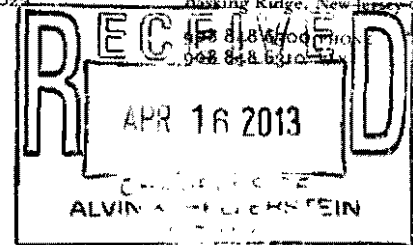
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April 16, 2013



Richard L. Furman
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Via Facsimile: 212-805-7942

The Honorable Alvin K. Hellerstein, U.S.D.J.
United States District Court
500 Pearl Street, Rm. 1050
New York, NY 10007

Re: Starr Indemnity & Liability Company a/s/o Skiva International v. Triumph
Link (USA)
1:13-cv-00003-AKI-T
Our File: 984-36

The court, by April 26, 2013, 10^{am}, will proceed as scheduled. The appl'n for adjournment is denied. The stay of dismissal will be on the basis of discussion, a R whether or not I sign it. 4-24-13

Dear Your Honor:

We represent the Defendant/ Third-Party Plaintiff Triumph Link (USA), Inc. ("Triumph") in the above-referenced matter. We write to object to Plaintiff's request to adjourn the April 26, 2013 conference.

This action involves the alleged loss of cargo transported pursuant to bills of lading issued by various carriers, including Triumph, Hyundai Merchant Marine Co. ("Hyundai") and Roland Intentional Freight Services, Inc. ("Roland"). Despite a contractual relationship with Hyundai, Plaintiff only initiated this action against Triumph. Consequently, Triumph initiated a third-party action to incorporate these parties.

As Plaintiff notes in its submission, on March 22, 2013, it submitted a Stipulation to Your Honor dismissing the first party action. The Stipulation stated Plaintiff filed two simultaneous actions. One was filed in the Southern District of New York on January 2, 2013 and the other in the Northern District of California, which was subsequently transferred to the Central District, on January 25, 2013. These complaints are substantively identical.

Triumph, a California Corporation, was served with the New York action in January. However it was not until March 5, 2013 that counsel initiated service of the California action against Triumph.

As Plaintiff has sought dismissal of its action in the Southern District of New York, we are at a loss as to why an adjournment of the third-party action is necessary. Pending the Court's

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signature, Plaintiff will have no discretion over how the third-parties proceed. Moreover, ignoring the procedural errors, Plaintiff elected to initiate two identical actions simultaneously, and thus should not be permitted to delay and postpone one "without date" as it suits.

Plaintiff indicates they "have not received the consent of third-party defendant" to adjourn the matter. However, this is misleading. As the attached email indicates, counsel for Hyundai affirmatively stated Hyundai does "NOT consent to an adjournment of the April 26 conference." Rather, Mr. Donatelli states he seeks the Court's permission to file a motion to dismiss.

Likewise, Triumph seeks the Court proceed with the conference to permit the parties to discuss the status of the third-party complaint. It further notes that Plaintiff failed to address or contact third-party defendant Roland who filed its Answer on April 16, 2013.

For the foregoing reasons, Triumph requests the Court proceed with the conference as scheduled so as to permit the relevant parties to proceed expeditiously with the litigation.

Very truly yours,
CARROLL MCNULTY & KULL LLC


Richard L. Fulman

cc: Facsimile & Email:
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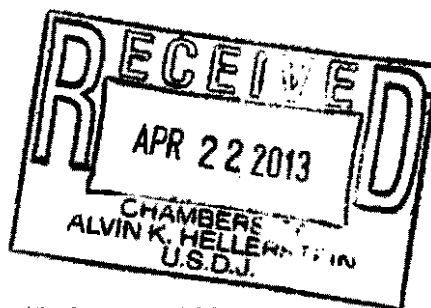
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April 22, 2013

Via Facsimile: 212-805-7942
 Honorable Alvin K. Hellerstein
 United States District Court Judge
 United States District Court
 Southern District of New York
 United States Courthouse
 Room 1050
 500 Pearl Street
 New York, NY 10007

 RE: Starr Indemnity & Liability Company a/s/o Skiva International, Inc.
 v. Triumph Link (USA), Inc. and Related Third-Party Action
 Case No.: 13-cv-00003-AKH
 Our File: 19261.00493 (LJQ)

Dear Judge Hellerstein:

We are attorneys retained on behalf of plaintiff Starr Indemnity & Liability Company a/s/o Skiva International, Inc. in the above-referenced claim. Your Honor has scheduled an Initial Conference in this action for Friday, April 26, 2013 at 10:00 a.m.

Pursuant to Your Honor's directions, we have communicated with counsel representing all parties in this action with respect to the Case Management Plan. In light of the pending Stipulation and Order of Voluntary Dismissal of the first-party action and third-party defendant Hyundai Merchant Marine's intention to request a briefing schedule for its Motion to Dismiss on jurisdictional grounds, it is hereby respectfully requested that the Initial Conference be converted to a Briefing Schedule Conference to address these issues.

We thank the Court for its consideration.

Respectfully submitted,

Lori J. Quinn

LJQ:kt

Marshall Dennehey Warner Coleman & Goggin

Honorable Alvin K. Hellerstein
United States District Court Judge
April 22, 2013
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Judge wrote:

“The conference of April 26, 2013, 10:00 a.m. will proceed as scheduled. The application for adjournment is denied. The stipulation of dismissal will be one topic of discussion, and whether or not I sign it.

4-24-13

Alvin K. Hellerstein”